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JUL 05 2006

Amendments to the Drawings

In FIG. 2: Change "120A" to "125A"

Change "120B" to "125B"

Change "120" to "125C"

In FIGS. 3A and 3B add "Related Art"

In FIG. 4A add "DRQ" to block 424A and add "METADATA TAG" to block 424B.

In FIG. 4B add "DRQ" to block 474A and add "METADATA TAG" to block 474B.

Attachment: 3 annotated sheets of drawings

**Remarks**

This Amendment is responsive to the Office Action mailed April 7, 2006. The remarks are proper, do not introduce new matter, do not require additional searching, are not narrowing in view of a prior art rejection, and place all pending claims in proper condition for allowance.

**Rejection Under Section 112, First Paragraph**

Claims 19 and 20 stand rejected for indefiniteness. Applicant agrees with the Examiner to the extent that the present embodiments as claimed eliminate the need for the FE table as in related art solutions. Unfortunately it is not clear to Applicant what the Examiner precisely means in stating: "Thus, the embodiment of "wherein the first information indicates status of second data associated with the first data," as disclosed in the base claim, would not include "first information appended to the first data."

As understood, however, Applicant is confused as to why the Examiner reads the claim term *second data* onto the FE table of the related art solutions. Rather, the *second data*, within a reasonably broad and consistent with usage in the specification construction, means the data portion of another data block. See, for example:

Metadata Tag portion 424 contains additional portions 424A and 424B...Portion 424A, according to the present invention, contains a "Data Reliability Qualifier" or DRQ-bit that qualifies not only the data in data portion 410 but all redundant copies of that data (specification, para. [0019])

Applicant has requested with this Amendment a formal telephone interview to clarify Applicant's understanding of the basis for this rejection, should this explanation not obviate

it. Reconsideration and withdrawal of this rejection of claims 19 and 20 are respectfully requested.

### **Rejection Under Section 102**

Claims 1-21 stand rejected as being anticipated by Lubbers '643. Applicant respectfully traverses this rejection

#### **Claim 1**

Contrary to Examiner's position, Lubbers '643 does not identically disclose *storing first information with first data, wherein the first information directly indicates the status of the first data.*

Lubbers '643 discloses building FE tables precisely as in the related art solutions described in FIGS. 3A and 3B. Storing the status indicators with FE tables disadvantageously requires storing the first information apart from the first data, requiring the additional overhead I/Os to read both data and its status. (see, for example, specification para. [0021]) The specification clearly distinguishes the present embodiments over this related art solution, made possible by storing the status indicator in the same data block as the data itself, or in other words with the data itself.

Lubbers '643 is wholly silent regarding *storing first information with first data* as claimed.

The Examiner has not substantiated a prima facie case of anticipation because Lubbers '643 does not identically disclose all the features of claim 1. Applicant is entitled to an evidentiary showing as to how the cited reference anticipates each recited claim element within a construction that is reasonably broad and consistent with term usage in the

specification. The Examiner must rectify the unsubstantiated rejection by withdrawing it or showing evidence in the record that Lubbers '643 identically discloses *storing first information with first data* as claimed.

Applicant has requested with this Amendment a formal telephone interview to clarify any unresolved issues regarding this rejection and Applicant's rebuttal thereof. Reconsideration and withdrawal of the present rejection of claim 1 and the claims depending therefrom are respectfully requested.

Claims 8 and 15

Contrary to Examiner's position, Lubbers '643 does not identically disclose *the first information indicates status of second data associated with the first data*.

As discussed above in the objection to claims 19 and 20, the present embodiments as claimed contemplates the DRQ indicating the status of not only the data in the corresponding data block, but redundant data in other data blocks as well.

Also as discussed above for claim 1, Lubbers '643 discloses building FE tables precisely as in the related art solutions described in FIGS. 3A and 3B. Storing the status indicators with FE tables disadvantageously requires storing the first information apart from the first data, requiring the additional overhead I/Os to read both data and its status. The specification clearly distinguishes the present embodiments over this related art solution, made possible by storing the status indicator in the same data block as the data itself.

Lubbers '643 is wholly silent regarding *the first information indicates status of second data associated with the first data* as claimed.

The Examiner has not substantiated a prima facie case of anticipation because Lubbers '643 does not identically disclose all the features of claims 8 and 15. Applicant is entitled to an evidentiary showing as to how the cited reference anticipates each recited claim element within a construction that is reasonably broad and consistent with term usage in the specification. The Examiner must rectify the unsubstantiated rejection by withdrawing it or showing evidence in the record that Lubbers '643 identically discloses *the first information indicates status of second data associated with the first data* as claimed.

Applicant has requested with this Amendment a formal telephone interview to clarify any unresolved issues regarding these rejections and Applicant's rebuttal thereof. Reconsideration and withdrawal of the present rejection of claims 8 and 15 and the claims depending therefrom are respectfully requested.

#### **Rejection Under Section 102**

##### **Claim 1**

Contrary to Examiner's position, Morgan '411 does not identically disclose *storing first information with first data, wherein the first information directly indicates the status of the first data*.

Applicant reiterates from its Petition to Make Special that Morgan '411 only discloses a retrospective event log. Particularly, Morgan '411 discloses using a predetermined set of code bits, each defining one of a plurality of operations whose failure is to be detected. (Morgan '411, col. 6 lines 31-35) The code bit settings are of no value quantitatively in the process of FIG. 2; that is, the code bits do not directly indicate the status of the data and are therefore of no value whatsoever prospectively. Rather, the process of

FIG. 2 determines whether the code bits are set or not for incoming data, and based on the success of the respective operation, it sets or unsets them. The code bits must be analyzed by error recovery routines in order to glean useful information from them, that being the operation at which a failure occurred.

Morgan '411 is wholly silent regarding *the first information directly indicates the status of the first data* as claimed.

The Examiner has not substantiated a prima facie case of anticipation because Morgan '411 does not identically disclose all the features of claim 1. Applicant is entitled to an evidentiary showing as to how the cited reference anticipates each recited claim element within a construction that is reasonably broad and consistent with term usage in the specification. The Examiner must rectify the unsubstantiated rejection by withdrawing it or showing evidence in the record that Morgan '411 identically discloses *the first information directly indicates the status of the first data* as claimed.

Applicant has requested with this Amendment a formal telephone interview to clarify any unresolved issues regarding this rejection and Applicant's rebuttal thereof. Reconsideration and withdrawal of the present rejection of claim 1 and the claims depending therefrom are respectfully requested.

#### Claims 8 and 15

Contrary to Examiner's position, Morgan '411 does not identically disclose *the first information indicates status of second data associated with the first data*.

As discussed above in the objection to claims 19 and 20, the present embodiments as claimed contemplates the DRQ indicating the status of not only the data in the corresponding data block, but redundant data in other data blocks as well.

Also as discussed above, Applicant reiterates from its Petition to Make Special that Morgan '411 only discloses a retrospective event log. Particularly, Morgan '411 discloses using a predetermined set of code bits, each defining one of a plurality of operations whose failure is to be detected. (Morgan '411, col. 6 lines 31-35) The code bit settings are of no value quantitatively in the process of FIG. 2; that is, the code bits do not directly indicate the status of the data and are therefore of no value whatsoever prospectively. Rather, the process of FIG. 2 determines whether the code bits are set or not for incoming data, and based on the success of the respective operation sets or unsets them. The code bits must be analyzed by error recovery routines in order to glean useful information from them, that being the operation at which a failure occurred.

Morgan '411 is wholly silent regarding *the first information indicates status of second data associated with the first data* as claimed.

The Examiner has not substantiated a prima facie case of anticipation because Morgan '411 does not identically disclose all the features of claims 8 and 15. Applicant is entitled to an evidentiary showing as to how the cited reference anticipates each recited claim element within a construction that is reasonably broad and consistent with term usage in the specification. The Examiner must rectify the unsubstantiated rejection by withdrawing it or showing evidence in the record that Morgan '411 identically discloses *the first information indicates status of second data associated with the first data* as claimed.

Applicant has requested with this Amendment a formal telephone interview to clarify any unresolved issues regarding these rejections and Applicant's rebuttal thereof. Reconsideration and withdrawal of the present rejection of claims 8 and 15 and the claims depending therefrom are respectfully requested.

### Conclusion

This is a complete response to the Office Action mailed April 7, 2006. The Applicant respectfully requests that the Examiner reconsider the application and allow all of the pending claims. The Applicant has submitted herewith a request for interview at a time to be determined by the Examiner, if after reviewing this request for reconsideration it is determined that all pending claims are not in condition for allowance, but before the next action on the merits. The interview is necessary to clarify the unresolved issues in the case. The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

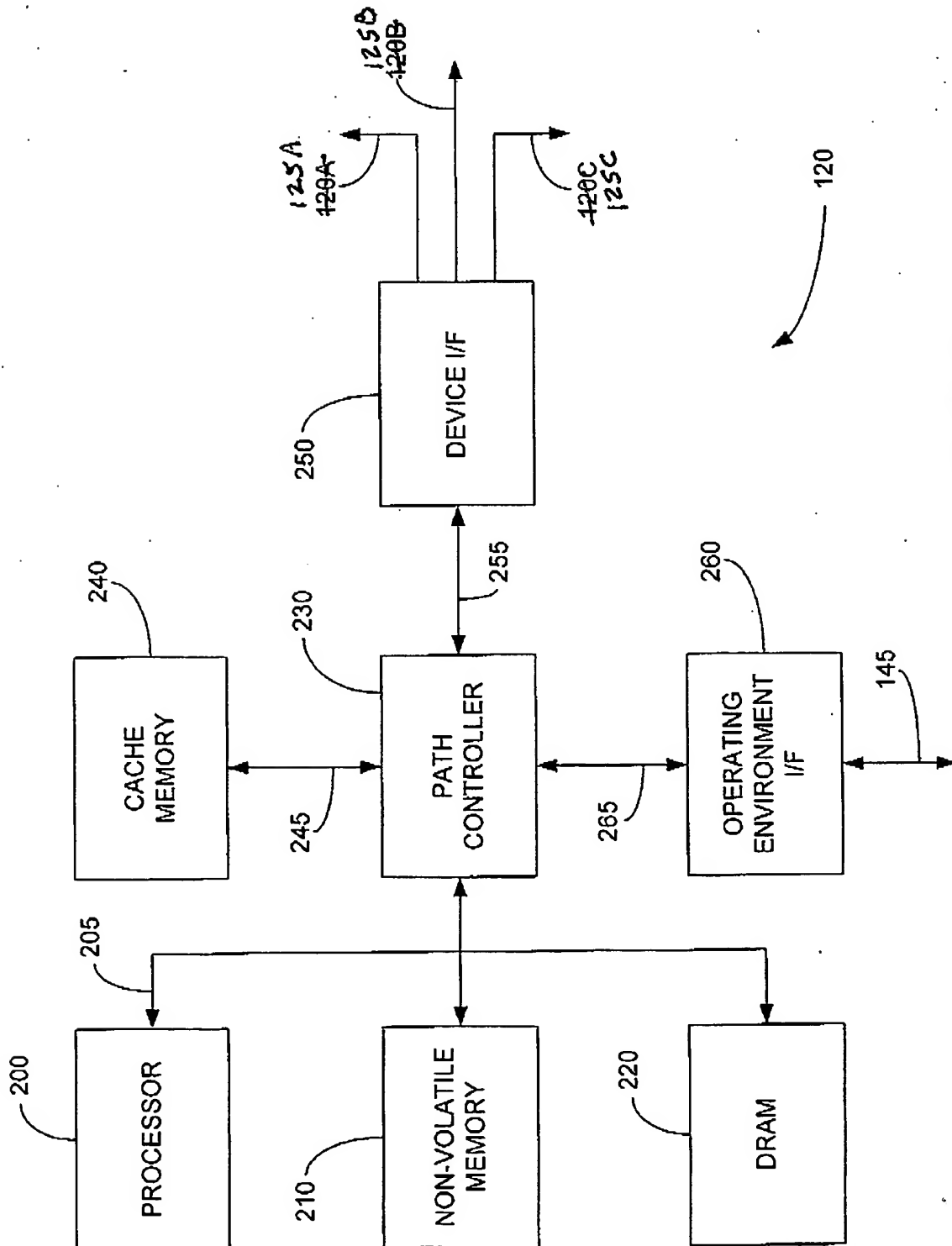
Respectfully submitted,

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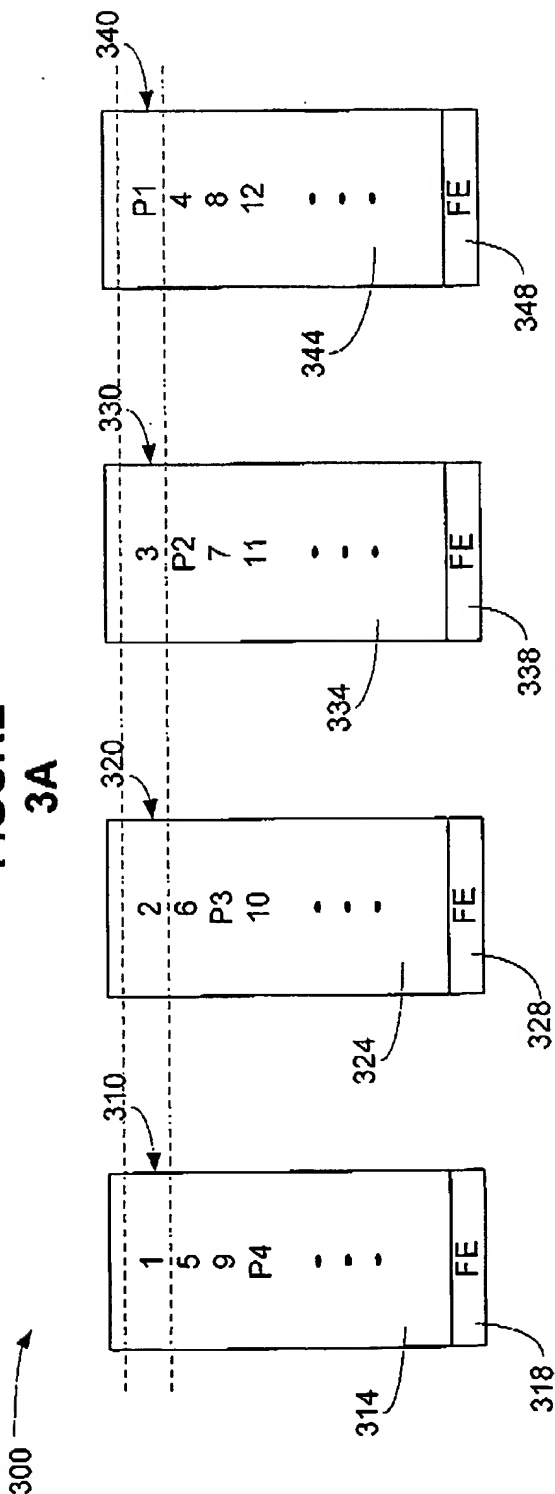


Application No. 10/669,196  
Office Action mailed April 7, 2006  
Response to Office Action filed July 5, 2006  
Annotated Sheet

**FIGURE 2**

Application No. 10/669,196  
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Annotated Sheet

**FIGURE 3A**



**FIGURE 3B**  
(Related Art)

11100010101000 . . . 1  
10000001010111 . . . 1  
11111001110100 . . . 0  
00111001010101 . . . 0  
01010010101010 . . . 0  
10011010110100 . . . 1  
.  
.  
10001011111011 . . . 0

350

Application No. 10/669,196  
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Annotated Sheet

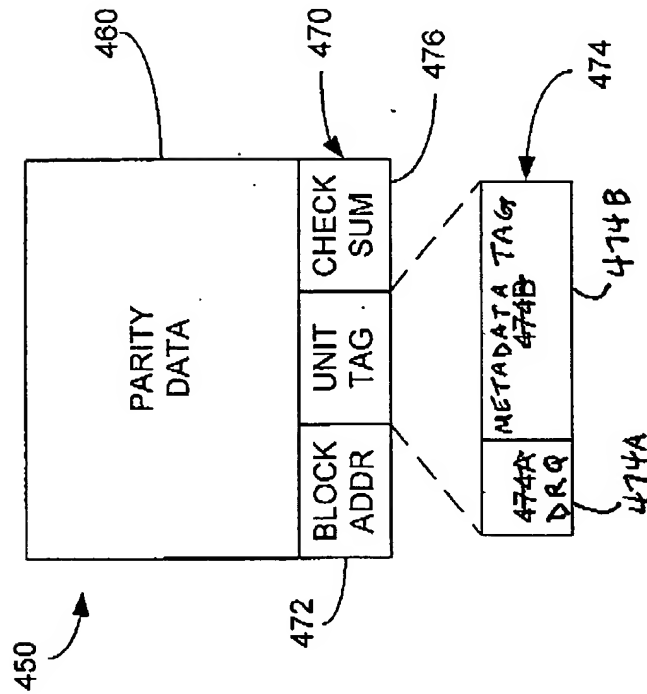


FIGURE 4B

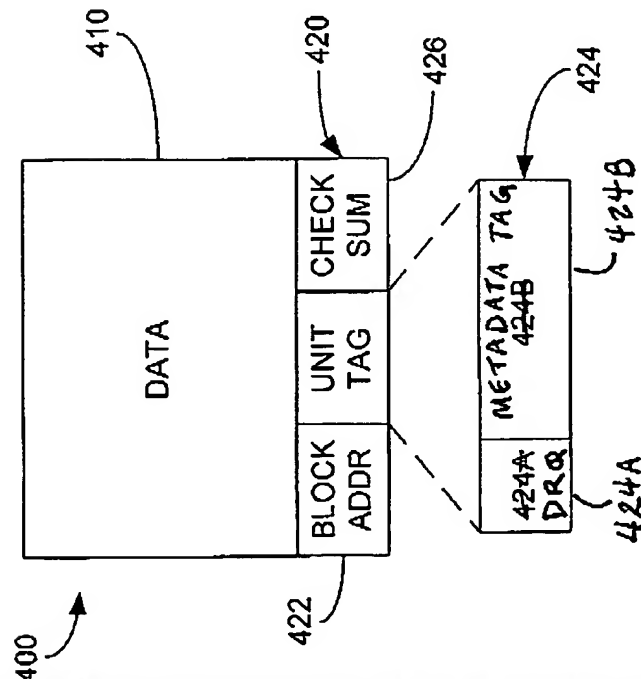


FIGURE 4A